

D R A F T

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

AMENDMENTS TO THE CALIFORNIA UNDERGROUND STORAGE TANK REGULATIONS TO MODIFY LOCAL AGENCY REPORTING REQUIREMENTS, AND FORMS USED BY THE REGULATED COMMUNITY

WHEREAS:

1. The State Water Resources Control Board (State Water Board) must report Underground Storage Tank (UST) performance measures to the United States Environmental Protection Agency (U.S. EPA) under the federal Leaking Underground Storage Tank Trust Fund Cooperation Agreement for California and the State Water Board Cooperative Agreement Work Plan (federal UST performance measures).
2. The State Water Board also must report compliance inspection data to the U.S. EPA pursuant to the Federal Energy Policy Act of 2005.
3. The State Water Board has proposed amendments to section 2713 of chapter 16 of division 3 of title 23 of the California Code of Regulations (California UST Regulations) to make existing reporting requirements for local agencies consistent with recent amendments to the federal UST performance measures and compliance inspection data requirements.
4. The proposed amendments to California UST Regulations, section 2713 are necessary so that the State Water Board can provide complete and accurate reporting of all federal UST performance measures to the U.S. EPA and to simplify the reporting process.
5. The State Water Board also proposes to amend section 2716 and Appendix XIII of the California UST Regulations to clarify UST owner and operator designated UST operator visual inspection responsibilities, including which corrective actions must be reported and the UST owner or operator signature requirement.
6. The State Water Board also proposes to remove the interstitial test reporting requirements from Appendices VI and VII of the California UST Regulations because there is no separate statutory or regulatory requirement to conduct this communication testing and it may be impossible or infeasible on many existing UST systems.
7. The State Water Board also proposes to add a requirement that service technicians provide the expiration date of the technician's applicable training and certification on Appendices VIII and IX of the California UST Regulations.

D R A F T

8. The State Water Board proposes additional amendments to the forms contained in Appendices VI, VII, VII, IX, XI, and XIII for clarification purposes, consistency in reporting and simplification of the reporting process, and improving accessibility while enhancing ease of use for all stakeholders.
9. The State Water Board published and distributed a Notice of Proposed Regulatory Action on November 1, 2019. The 45-day comment period ended on December 17, 2019 and the State Water Board received written comments, but no request for a public hearing. Responses to all timely comments received on the proposed regulations are contained in the Final Statement of Reasons.
10. The State Water Board published and distributed a Notice of Modification to Text of Proposed Regulations and the modified text of the proposed regulations on April 20, 2020, for a 15-day public comment period that ended on May 6, 2020. Responses to all timely comments received on the modifications to the proposed regulations are contained in the Final Statement of Reasons.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts the amendments to California Code of Regulations, title 23, division 3, chapter 16;
2. The State Water Board authorizes the Executive Director or designee to transmit the regulations to the Office of Administrative Law for approval and filing with the Secretary of State; and
3. The State Water Board authorizes the Executive Director or designee to make any non-substantive revisions to the regulations to address any concerns of the Office of Administrative Law.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 2020.

Jeanine Townsend
Clerk to the Board